



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUN 17 2004

OFFICE OF PETITIONS

In re Application of:

Applicant: Frederic P. Atchley

Group No.: 3673

Application No.: 09/982,672

Examiner: Not Yet Assigned

Filed: 10/18/2001

For: EFFLUENT DISTRIBUTION SYSTEM

Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

**PETITION FOR RECONSIDERATION OF HOLDING OF ABANDONMENT OR
IN THE ALTERNATIVE PETITION TO REVIVE AN APPLICATION FOR
PATENT ABANDONED UNAVOIDABLY**

The present nonprovisional application was filed on October 18, 2001. In response to a Notice to File Corrected Application Papers (hereinafter "the Notice"), mailed on November 26, 2001, Applicant filed his Submittal of Formal Drawings on December 10, 2001. Applicant's Submittal of Formal Drawings included a copy of the Notice and a pre-stamped return postcard. The cover page of the Submittal of Formal Drawings and the return postcard contained a Scrivener's error wherein one number in the serial number was improperly entered wherein Serial No. 09/982,682 was used instead of Serial No. 09/982,672. Additionally, the filing date showed the provisional filing date, October 18, 2000, instead of the nonprovisional filing date, October 18, 2001.

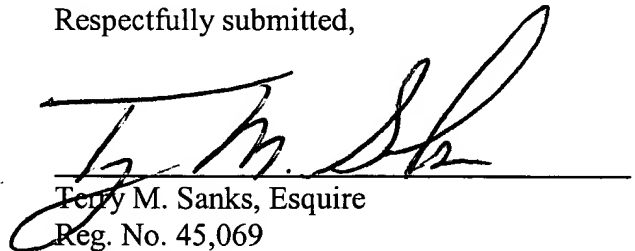
Applicant did receive the pre-stamped return postcard acknowledging receipt by the USPTO. Applicant did not receive any further correspondence with respect to this application.

According to the Patent Information Retrieval ("PAIR") system, the application was abandoned on "January 28, 2001," which is approximately nine months prior to the filing date of the nonprovisional application. Applicant never received a notice of abandonment, and only learned of the abandonment this week after checking the status of this application using the PAIR system.

Attached to this petition are a copy of the documents submitted on December 10, 2001, a copy of the returned postcard and a copy of the page from the PAIR system. The requisite fee for this petition is also attached. Should Applicant's petition for reconsideration of holding of abandonment be rejected, the form for Petition For Revival of an Application For Patent Abandoned Unavoidably Under 27 CFR 1.137(a) is also attached. Applicant respectfully requests the USPTO to consider this second petition in the alternative.

If further prosecution of the application can be facilitated by telephone, the undersigned may be reached at 407-926-7707.

Respectfully submitted,

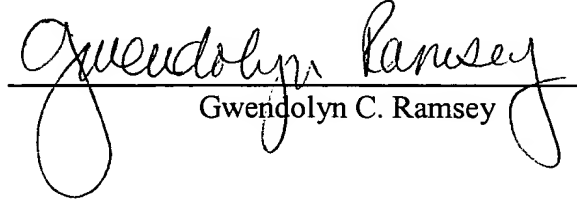


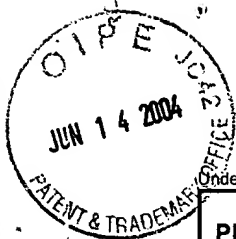
Terry M. Sanks, Esquire
Reg. No. 45,069

Beusse Brownlee Wolter Mora & Maire, P.A.
390 N. Orange Avenue, Suite 2500
Orlando, Florida 32801
Telephone: (407) 926-7707
Facsimile: (407) 926-7720
E-mail: tsanks@iplawfl.com

Certificate of Mailing

I HEREBY CERTIFY that this Amendment is being deposited with the United States Postal Service by facsimile addressed to: Mail Stop PETITION, Commissioner for Patents, Alexandria, Virginia 22313-1450, on this 10th day of June, 2004.


Gwendolyn C. Ramsey



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JUN 17 2004

PTO/SB/61 (11-03)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) 624434-009
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First Named Inventor: Atchley, Frederic P.

Art Unit: 3673

Application Number: 09/982,672

Examiner: Not Yet Assigned

Filed: 10/18/2001

Title: EFFLUENT DISTRIBUTION SYSTEM

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Submittal of Formal Drawings (identify the type of reply):

☒ has been filed previously on December 10, 2001.

☐ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/15/2004 CNGUYEN 00000063 09982672

01 FC:2452

55.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

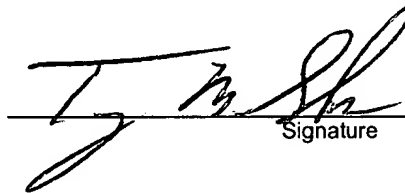
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

June 10, 2004

Date



Signature

(407) 926-7707

Telephone Number

Terry M. Sanks, Esquire

Typed or printed name

45,069

Registration Number, if applicable

Beusse Brownlee Wolter Mora & Maire, P.A.

Address

390 N. Orange Avenue, Suite 2500
Orlando, Florida 32801

Address

- Enclosure ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☒ Copy of previously filed response to Notice to File Corrected Papers

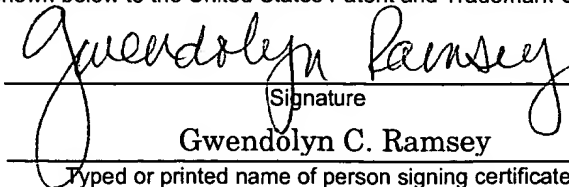
CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

June 10, 2004

Date



Signature

Gwendolyn C. Ramsey

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

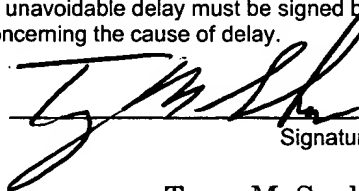
NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

June 10, 2004

Date

45,069

Registration Number, if applicable



Signature

Terry M. Sanks, Esquire

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The present nonprovisional application was filed on October 18, 2001. In response to a Notice to File Corrected Application Papers (hereinafter "the Notice"), mailed on November 26, 2001, Applicant filed his Submittal of Formal Drawings on December 10, 2001. Applicant's Submittal of Formal Drawings included a copy of the Notice and a pre-stamped return postcard. The cover page of the Submittal of Formal Drawings and the return postcard contained a Scrivener's error wherein one number in the serial number was improperly entered wherein Serial No. 09/982,682 was used instead of Serial No. 09/982,672. Additionally, the filing date showed the provisional filing date, October 18, 2000, instead of the nonprovisional filing date, October 18, 2001.

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(Please attach additional sheets if additional space is needed.)

Commissioner for Patents
Attention: Official Draftsperson
Post Office Box 2327
Arlington, Virginia 22202

Via First Class Mail

Kindly acknowledge receipt of accompanying papers by placing your mailroom date stamp hereon and returning to addressee.
Thank you.

Date: 12/10/01
Our File No. 624434-009 (TMS/gcr)

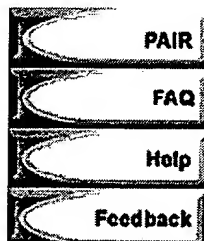
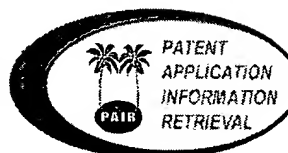
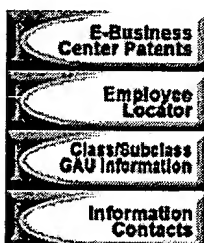
RE: Serial No. 09/982,682
Filed: 10/18/2000

Title: **EFFLUENT DISTRIBUTION SYSTEM**
Applicant: **Atchley, Frederic P.**

Papers enclosed:

- 1) Submittal of Formal Drawings
- 2) Formal Drawings (11 pgs.)
- 3) Copy of Notice to File Corrected Application Papers




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PATENT APPLICATION INFORMATION RETRIEVAL

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Search results for application number: 09/982,672			
Application Number:	09/982,672	Customer Number:	29391
Filing or 371(c) Date:	10-18-2001	Status:	Abandoned -- Incomplete Application (Pre-examination)
Application Type:	Utility	Status Date:	11-06-2003
Examiner Name:	-	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3673	Location Date:	11-12-2003
Confirmation Number:	7656	Earliest Publication No:	-
Attorney Docket Number:	624434-001	Earliest Publication Date:	-
Class/ Sub-Class:	-/-	Patent Number:	-
First Named Inventor:	Frederic Atchley, Apopka, FL (US)	Issue Date of Patent:	-
Title Of Invention:	Effluent distribution system		

Select Search Option

☐ Continuity Data

File History	
Date	Contents Description
01-28-2001	Abandonment -- During Preexam Processing
11-26-2001	Corrected Paper
11-20-2001	Correspondence Address Change
10-26-2001	IFW Scan & PACR Auto Security Review
10-18-2001	Initial Exam Team nn

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NO.:

09/982,672

TO:

TC: 3673

VIA:

SPRE/3600

FROM:

Derek Woods

DATE:

7-8-04

Please consider Paper No. 4 as a Petition to Withdraw the Holding of Abandonment in view of the statements presented by petitioner that the holding of abandonment was not proper. If the Petition to Withdraw the Holding of Abandonment is granted, please refund the petition fee to petitioner. If the Petition to Withdraw the Holding of Abandonment is not granted, please forward the application file to the Office of Petitions, Crystal Plaza Four, Suite 3C23 for consideration of the alternative Petition to Revive. If the application is in IFW format, please forward a message to mailbox PET.pending.

Derek Woods
Office of Petitions

703-305-0014
Telephone Number